

The article was alleged to be misbranded in that the statement on the label, "One Pound Net Weight", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the label, since the statement made was incorrect.

On January 31, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24222. Misbranding of brandy. U. S. v. 4¾ Cases, et al., of Brandy. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33435. Sample nos. 7151-B, 7152-B, 7153-B.)

This case involved interstate shipments of three lots of brandy which was found to contain a smaller proportion of alcohol than declared on the label. Two of the lots were found to be short in volume.

On or about September 12, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13¾ cases of brandy at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 7 and June 8, 1934, by the Old Prescription Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Belle of France Brand Straight Brandy 90 Proof An American Product Old Prescription Co. Jersey City, N. J. Contents 25/32 of a Quart [or "Contents ¾ of 1 Pint" or "Contents 1 Pint"]."

The article was alleged to be misbranded in that the statement "90 Proof" appearing on the label, was false and misleading and tended to deceive and mislead the purchaser, since the alcohol contained was found to be less than 90 proof. Misbranding was alleged with respect to portions of the product for the further reason that the statements on the labels, "Contents 25/32 of a Quart" and "Contents 1 Pint", were false and misleading and tended to deceive and mislead the purchaser, since the bottles were short of the declared volume. Misbranding of the said lots that were short volume was alleged for the further reason that the article was food in package form and the quantity of its contents was not plainly and conspicuously marked on the outside of the package since the statements made were incorrect.

On January 5, 1935, the Old Prescription Co., Inc., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24223. Adulteration of packing stock butter. U. S. v. 1 Barrel and 1 Pail of Packing Stock Butter. Default decree of destruction. (F. & D. no. 33490. Sample no. 3653-B.)

This case involved an interstate shipment of packing stock butter which was found to contain filth.

On August 30, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel and 1 pail of packing stock butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about May 28, 1934, by the Fargo Creamery & Produce Co., from Fargo, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 18, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24224. Adulteration and misbranding of butter. U. S. v. 600 Cases of Roll Butter. Product ordered released under bond. (F. & D. no. 33491. Sample no. 2441-B.)

This case involved an interstate shipment of butter that was deficient in milk fat and was short weight.

On August 22, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of roll butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 13, 1934, by the Southern Butter Co., from Muskogee, Okla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "1 Lb. Net Weight When Packed"; (shipping carton) "Butter 30 Lbs. Net Wt. Rolls 1 Lb. Country Roll."

The article was alleged to be adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statements, (parchment wrapper) "1 Lb. Net Weight When Packed" and (shipping carton) "Butter 30 Lbs. Net Wt. Rolls," and "1 Lb. Country Roll", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On September 28, 1934, the Southern Butter Co. having appeared as claimant for the property, judgment was entered ordering that the product be released under bond, conditioned that it be reworked and otherwise made to comply with the law, under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24225. Adulteration of butter. U. S. v. 2 Carloads of Butter. Portion of product released. Remainder condemned and destroyed. (F. & D. no. 33494. Sample no. 2840-B.)

This case involved an interstate shipment of butter which was found to be in part moldy.

On August 21, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two carloads of butter at Cincinnati, Ohio, consigned June 19, 1934, alleging that the article had been shipped in interstate commerce by Schlosser Bros., from Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 7, 1934, Schlosser Bros. having appeared as claimant for the property, judgment was entered ordering that a part of the butter be released as not adulterated; that a part be condemned as adulterated and destroyed or disposed of for technical purposes, and that the remainder be held by the United States marshal for further testing. On February 26, 1935, judgment was entered nunc pro tunc as of December 11, 1934, finding that the butter in the custody of the marshal was in part adulterated and in part not adulterated, and ordering destruction of the former and release of the latter.

M. L. WILSON, *Acting Secretary of Agriculture.*

24226. Adulteration of canned tomato juice. U. S. v. 91 Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. & D. no. 33509. Sample no. 10525-B.)

This case involved an interstate shipment of canned tomato juice which was found to be partially decomposed.

On September 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 cases of canned tomato juice at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 26, 1934, by Edgar F. Hurff, from Swedesboro, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hurff Brand Tomato Juice * * * Packed by Edgar F. Hurff Swedesboro, N. J."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On January 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*